



**OFFICE OF THE MAYOR
CITY OF COVINGTON**

Joseph U. Meyer
Mayor

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EXECUTIVE ORDER

CITY OF COVINGTON, KENTUCKY

EXECUTIVE ORDER NO. 2021-EO-52

**REVISED COVINGTON RESTAURANT RE-OPENING PROCEDURES REGARDING
OUTDOOR TABLES AND SEATING LICENSING – I) EXTENSION OF CONTINUOUS USE OF
CITY RIGHT OF WAY FOR 2021 SEASON; AND II) REINSTATEMENT OF THE PERMITTING
PROGRAM SET FORTH IN COVINGTON CODE OF ORDINANCES CHAPTER 96 BEGINNING
WITH THE 2022 SEASON.**

WHEREAS, on March 19, 2020, Mayor Joseph U. Meyer signed Executive Order No. 2020-EO-01, declaring a state of emergency in the City of Covington (the “City”) due to the outbreak of the COVID-19 virus, a public health emergency; and

WHEREAS, applicable Kentucky laws authorize a mayor to exercise emergency powers to efficiently and effectively provide for the health, safety and welfare of citizens; and

WHEREAS, the City allows for the placement of tables and chairs in City right of way in accordance with a permitting program set forth in Covington Code of Ordinances Chapter 96, Section 96.085 et seq., which requires businesses to apply for and obtain a license for tables and seating from the City Manager; and

WHEREAS, in response to state directives and guidance regarding the safe operation of restaurants, including directives for indoor dining and outdoor seating, the City initiated reopening guidance in Executive Order Nos. 2020-EO-17 (Restaurant Re-opening Policy), 2020-EO-24 (Street Closure Plan for Dining), 2020-EO-29 (Extend 2020 Outdoor Tables and Seating License Period through January 2, 2021), 2020-EO-35 (Allowance of Tents in City Right of Way), 2020-EO-40 (2021 Outdoor Tables and Seating License Policy), and 2021-EO-47 (Extend 2021 Outdoor Tables and Seating License Period through October 31, 2021); and

WHEREAS, since that time, state and federal recommendations have allowed restaurants to resume indoor dining; and

WHEREAS, City staff reviewed the above-listed Executive Orders and determined that the re-opening procedures should be updated to meet the evolving economic needs of restaurateurs, the health and safety of the community, and the responsible use of public assets to benefit the City; and

WHEREAS, the revisions include: i) extension of continuous use of City right of way as authorized by the above-listed Executive Orders for the Outdoor Tables and Seating License Period until February 28, 2022; and ii) reinstatement of the Outdoor Tables and Seating License permitting program set forth in Covington Code of Ordinances § 96.085 beginning with the 2022 season.

NOW, THEREFORE, I, Joseph U. Meyer, pursuant to the authority vested in me as Mayor of the City of Covington, Kentucky by KRS Chapters 39A and 39B, and in furtherance of the declaration set forth in Executive Order No. 2020-EO-01, hereby order:

1. 2021 Outdoor Tables and Seating License Period Extended through February 28, 2022.

Notwithstanding Chapter 96 of the Covington Code of Ordinances, restaurants that have obtained an Outdoor Tables and Seating License for calendar year 2021 will be permitted to locate permitted tables and chairs on City right of way on a continuous basis through February 28, 2022. During this time period, permitted businesses may utilize temporary outdoor tents and heaters for the safety and comfort of their patrons consistent with the winter seating plan previously approved by the City Manager's Office for the 2021 License Period.

Permitted tables and chairs must comply with the Commonwealth of Kentucky's social distancing guidelines and ADA guidelines.

Notwithstanding Chapter 96 of the Covington Code of Ordinances and Section 2 of this Executive Order, all other items set forth in Executive Order Nos. 2020-EO-17 (Restaurant Re-opening Policy), 2020-EO-24 (Street Closure Plan for Dining), 2020-EO-29 (Extend 2020 Outdoor Tables and Seating License Period through January 2, 2021), 2020-EO-35 (Allowance of Tents in City Right of Way), 2020-EO-40 (2021 Outdoor Tables and Seating License Policy), and 2021-EO-47 (Extend 2021 Outdoor Tables and Seating License Period through October 31, 2021) shall remain in place through February 28, 2022, which is the end of the 2021 Outdoor Tables and Seating License Period.

2. Reinstatement of Covington Code of Ordinances Chapter 96 Outdoor Tables and Seating Permitting Program Beginning with the 2022 License Period.

The Outdoor Tables and Seating permitting program set forth in Covington Code of Ordinances Chapter 96, Section 96.085 et seq., is reinstated in full beginning with the upcoming "2022 License Period", which runs from March 1, 2022, until February 28, 2023.

Restaurants wishing to place tables and seating on the public sidewalks after February 28, 2022 must apply for and obtain an Outdoor Tables and Seating License for the 2022 License Period. The application fees associated with the Outdoor Tables and Seating License are reinstated effective November 1, 2021.

In accordance with Chapter 96 of the Covington Code of Ordinances, applications and payment for the 2022 License Period are due to the City Manager's Office by December 1, 2021. As originally authorized by Executive Order No. 2020-EO-40, existing license holders who previously paid for the 2020 Outdoor Tables and Seating License will receive a credit for their application renewal for the 2022 License Period.

3. Expiration Date Set for Outside Dining Related Street Closures and Restaurant Reopening Procedures.

All previous City Executive Orders implementing outside dining related street closures and restaurant re-opening procedures shall not be applicable to the 2022 License Period, said Executive Orders shall expire effective February 28, 2022. The Executive Orders which will expire on February 28, 2022 include:

- 2020-EO-17 (Restaurant Re-opening Policy);
- 2020-EO-24 (Street Closure Plan for Dining);
- 2020-EO-29 (Extended 2020 Outdoor Tables and Seating License Period through January 2, 2021);
- 2020-EO-35 (Allowance of Tents in City Right of Way);
- 2020-EO-40 (2021 Outdoor Tables and Seating License Policy); and
- 2021-EO-47 (Extended 2021 Outdoor Tables and Seating License Period through October 31, 2021).

4. Notice to Public.

To assist with the transition, businesses should re-familiarize themselves with the provisions of the Outdoor Tables and Seating Permitting Program contained in Chapter 96 of the City's Code of Ordinances. The following paragraphs are intended to provide a brief description of changes which will occur with the reinstatement of the Chapter 96 Outdoor Tables and Seating Permitting Program. No new guidance is implemented by this Section 4.

- a. Restaurants wishing to place tables and seating on the public sidewalks after February 28, 2022 must apply for and obtain an Outdoor Tables and Seating License. In accordance with Chapter 96 of the Covington Code of Ordinances, applications and payment are due to the City Manager's Office by December 1 for permits in the following calendar year.
- b. Businesses shall pay the applicable yearly fee for the Outdoor Tables and Seating License as set forth in Covington Code of Ordinances Section 96.085(G).
- c. Beginning with the 2022 License Period, any Outdoor Tables and Seating License issued shall allow for the placement of permitted tables and seating on public sidewalks only. Licenses shall no longer permit use of on-street parking spaces for outdoor seating. Temporary outdoor tents and heaters shall no longer be permitted on publicly owned right of way.
- d. For more information about Outdoor Tables and Seating Licensing, contact the Liz Glass in the City Manager's Office. Email: eglass@covingtonky.gov. Phone: 859-292-2129.

5. Guidance from State, County, and Federal Guidance Unaffected.

Responsibility begins with the patrons and restaurant owners for observing the Commonwealth of Kentucky's guidelines. Restaurants should follow all current and future Commonwealth of Kentucky reopening directives and guidelines. Failure to follow lawful state reopening directives and guidelines, public health directives, or any local regulations may result in the suspension or revocation of any outdoor seating permits issued in accordance with this policy. Any suspension or revocation proceedings will be conducted in accordance with the processes outlined in Chapter 96 of the

Covington Code of Ordinances.

This Order shall remain in effect until terminated by the issuance of another Executive Order when I determine that a state of emergency no longer exists and the exercise of extraordinary measures are no longer required for the protection of the public health, safety and welfare.

THIS ORDER IS EFFECTIVE OCTOBER 29, 2021, AND SHALL REMAIN IN EFFECT UNTIL RESCINDED BY EXECUTIVE ORDER.

Signed on this 29th day of October, 2021,



Joseph U. Meyer, Mayor

Attest:



City Clerk



Date